

May 26, 2001

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Dear Chief Wieting,

This response is being sent to you because your office has announced it's intent to rule on the US Navy's SURTASS LFA Sonar Final Environmental Impact Statement. Please accept these comments in sequence with the earlier responses which have already been communicated by me to your office. Specifically, they were:

- 1) An initial response requesting for NMFS to conduct public hearings on the proposed rule and for an extension of the proposed deadline for comments to be submitted. Additionally, there were context-rich comments as well as attachments and addendums which I would like to keep intact with this series of responses.
- 2) A presentation made by myself and Mr. Benedick Howard at the Los Angeles Hearing during which, in addition to the statements made which are now part of the record, also thousands of pages of related material were presented in two steel ringed note books. Additionally, a video taped interview called "Aquarian Age - LFAS" was played and included in my presentation. That tape was also given to the NMFS at the hearing. Finally, in direct contrast to Mr. Johnson's statement that the Navy was conducting careful follow-up of the Bahamas stranding situation, I delivered a document from environmental groups in the Bahamas who had consulted with their government and reporting that neither they nor their government were made aware of any notification regarding the proposed ruling or the FEIS for SURTASS LFA Sonar. It further stated that they regarded LFAS to be an even more intense sonar than the one which had devastated their Cuvier's Whale population last year.

First off, thank you, Ms. Weiting, for arranging the hearings. Had you attended any of them, you would have been impressed with how much people truly care about the harm which will likely befall the whales if your office rules in favor of the Navy's report. Too, you would have sensed the frustration and determinedness of the people who participated in the process of communicating with your office

At the hearing in Los Angeles which I attended, Joe Johnson of the US Navy gave a sales pitch. I am a professional sales person and so I know what marketing is when I see it. Usually, I have a high regard for sales efforts. However, the US Navy is ducking behind the misnomer that this EIS is based on "science." It's not science. It's research and development for a product which is subject to more careful scrutiny from sales and marketing managers than it is to scientific scrutiny.

In my opinion, the Navy had sufficient opportunity to present their point of view to the public with the millions of dollars they spent on R&D and PR in preparing the FEIS. Once the Final Environmental Impact Statement was produced, it should have been exactly that. Final. Whatever the Navy wanted to say they had years to say it. So when did the Final Environmental Impact Statement become subject to verbal addendums?

It seems to me that the appropriate time for Joe Johnson to have made such an "out-reach" effort was during the out-reach meetings which the US Navy was required to conduct as part of the EIS process. Unfortunately, the fact is, they gave only a few days of notice prior to the San Pedro meeting. I have pointed this out previously. So if the Navy wanted to talk to us before, they truly had their chance. Instead, their talkative representative at the hearing was the same man who had refused to talk to me in San Pedro! He said back then that I made him nervous. So he had a chance to talk to people. To do his pitch. He didn't want to talk then. But now that we've gained momentum, he's beginning to take us seriously and usurped your power and our time.

One particular reason why I find Joe Johnson's speaking to be inappropriate is that the effect of such a presentation could be construed by some to be an addendum to the FEIS and would thereby place an even greater burden on participants in

this process to unravel his cryptic enigmatic comments to the satisfaction of your department. Did his ramblings enter into the public record? Do we now have to address all of his deliberate errors? Did you note the obfuscations AND LIES? Do we have to bring out every detail that he dreamed-up just to refute the Navy to the satisfaction of your office?

His speaking placed an undue burden upon those of us who were in attendance. We came there to speak about the report the Navy had already made. We were not there to duck and twist around the latest sales pitch.

It would have been perfectly fine if Mr. Johnson and Mr. Kirk Fitztrupt had wanted to sit in the audience and take-in the feed-back they were receiving. But to place on us the additional burden of witnessing their additional comments when we already had sufficient volumes of their viewpoint to address and had taken time from our schedules to do so, was wholly inappropriate in my opinion.

Worse yet was the fact that Mr. Johnson and Mr. Fitztrupt were seated at the table with the NMFS representative, Mr. Hollingshead. That was completely inappropriate! If you look at the record of what I said at the hearing, you will find a sarcastic reference there to the Navy and NMFS being seated together. I further understand that in Honolulu, Mr. Fitztrupt was again seated at the table with Mr. Hollingshead. And I understand that the Hawaiian elders, among others, insisted that he leave that location.

Frankly, the affront of having the Navy seated there was further evidence of what a hyped-up sales job that's underway. Wouldn't it have spoken more to the integrity of your department to create some distance from the Navy when it is the Navy's own report you are proposing to rule upon? Wouldn't the sacred trust of invested in you in making such a ruling be better represented without the Navy having it's hands on the gavel itself?

Wasn't it obvious what a conflict of interest was there by represented?

You had one opportunity to hear from us, the public, directly. The time your office spent on the listening to the Navy once again expunging their rhetoric could have been more rightly invested in the people who came such a long way to see their NMFS representatives.

To repeat for emphasis, the location of the Navy at the NMFS table was in conflict with the intent of the hearing which was for people to communicate to your office. Keep in mind, I had already traveled to LA County once previously only to be snubbed by Mr. Johnson. I did not travel so far a second time to have him sit in judgment on what I had to say. The fact that he was effectively able to posture himself in such a manner just shows what an aggressive and self-serving individual he is.

To repeat a third time for even more emphasis, the Navy's report is being ruled on. Who is ruling on it? Your office, or the Navy? Or are you both so inseparable that the Commerce Department and the US Navy have seemingly merged?

And now, moving on to the content of the FEIS:

For this particular installation of my comments, I will focus strictly on the topic of mitigation. I may find time to discuss other matters in the report in greater detail and would therefore reserve for myself the opportunity to add more comments at a later date.

I will refer specifically to this section of the FEIS:

Page 4.4-2

Cumulative impacts may not require great amounts of noise nor need they require frequent operation. Damage can be instantaneously initiated and the cumulative effect can take place with only a few exposures to the noise. Once an increased sensitivity is established, the amount of noise needed to create a disturbance can be minimal and it would require only a little bit of sound thereafter to disrupt a species behavior.

Did the word "brief" get included here by accident? The Navy describes thousands of hours of exposure to LFA Sonar and it is termed "brief" exposure? They're kidding, right?

432 hours of LFA Sonar per vessel broadcasting per year means that for four ships that's 432 X 4 which equals 1,728 hours of LFA broadcasting. How many total hours of LFA were tested previously? And isn't there plenty of information which indicates that the whales changed their communication patterns and migration routes after only minimal exposure? So how many hours of difference over and above the tested hours are we discussing here?

The fact that the system would traverse all sorts of coastal areas assures that the acoustic habitats of various areas could be harmed by LFA sonar if this permit is granted. So they could all get into one hemisphere and elect to do all their blasting on the same day, isn't that true?

4.4-3

The Navy admits that multiple bombardments of sound from multiple LFA sound sources is possible and by itself that that should be sufficient as a reason for NMFS to deny the permit. There's no need to insist that the system is harmless when, by the Navy's own admission, it is not.

I refute the concept of impact terminating when sound stops as the observers failed to clock the time it took for whales to reestablish their migration routes in Hawaii (try 3-4 years.) Recently, I heard of a new impact wrinkle which I hadn't come across before. Perhaps you folks at NMFS would like to investigate a sudden decline in the Spinner Dolphin population after the LFA testing off Hawaii? The locals are saying that the Spinner Dolphins did not bring calves to full term. I don't know who to ask to verify this information as the Navy was so quick to turn a blind eye to anything which might be looked at unfavorably in the report.

4.4-2

The FEIS addresses commercial shipping noise as if it had a comparative impact equivalency. This is misleading. I have discussed the Navy's equivalency posture between scientists who have laughed at Joe Johnson openly at this point and one, Dr. Lee Tepley, ridiculed him on CNN's web site.

Commercial shipping designs could be adapted to accommodate higher standards of care and so the pattern of increased noise, previously unaddressed, could fall under pressure to improve. (And the Navy's standard of care could be made to meet a higher level of care too!) The intensity and power of the LFA equipment is deemed to have bone crunching impact and to point to commercial shipping as anything other background sound is to deliberately distract the interpreter of the noise impact evaluations.

As regards snapping shrimp mentioned here - I am exceedingly fond of pointing out that snapping shrimp were the cause of the Sausalito Hum. This was an illustration that noise in coastal waters can be heard in areas on shore and can influence the residents and businesses in coastal communities. The long and the short of it is that the snapping shrimp noise became extremely loud to local residents and the people of Sausalito went crazy. The people of Sausalito were not in the water. They lived as they always had on the Marin Headlands. The tale is common knowledge here. Since it is the Navy which raises the point about ambient background sound being generated by snapping shrimp, I feel compelled to add that the entire community made national headlines due to the mystery noise.

Sound can penetrate out of the water and onto the shoreline habitats where people and puppy dogs dwell. Since this is likely to happen with the long low waves of LFAS, which is more powerful than snapping shrimp... I suggest that NMFS deny the Navy's application until the Navy can demonstrate adequate evidence of their attempt to chronicle shoreline absorption of the sound and to illustrate that this will not influence community background noise or vibrations.

I will attach as addendums to these comments two recent articles. One article tells about research coming out of Cornell University where traffic noise and infrasound sources were an obvious disruption to the health of children. Especially, the noise was disruptive to little girls. If this is so, then the Navy should be testing the LFAS for shoreline absorption impact. Why has the Navy failed to do so?

The second article which I will attach will show that these infrasound impacts can be detected as far inland as Los Alamos Labs. So if the folks in Los Alamos can detect LFAS deployments, what will those noises do to the little girls growing up in coastal communities?

It was the Navy who mentioned the snapping shrimp. I simply recollected the common knowledge story of the hum of Sausalito and pose the question as to why the Navy refuses to look at shoreline impacts.

Long waves tend to penetrate. When we talk about light and we talk about X-rays, we know these to be the light waves that can penetrate. In acoustics, low frequencies penetrate. Just ask the folks in Los Alamos!

4.4.2

Operational Parameters

I heard Joe Johnson say at the Los Angeles hearing that if LFA Sonar is operated within these parameters, it should be safe. Once again, I must ponder as to whether or not he was creating - or attempting to create an addendum to the FEIS? (It wasn't a FINAL report they published?)

I am left without a clear understanding as to how to best respond to his comments on this matter because I continue to see his efforts to speak beyond the context of the document you are ruling on to thwart our best efforts in giving an appropriate response to the document. Do I take issue with the convoluted assertions that Mr. Johnson made at the hearing or am I obligated only to respond to the content of the document being ruled upon?

As I frankly don't know whether this man's additional presentation which went above and beyond a report which should have been the final document is one I should comment on or not. So I will interject a response here - even though it may frustrate my attempt to follow the outline of the supposedly "final" document.

Clearly, this implies that the only guarantee of operability which might even approach a temporary & "Safe-ala-Johnson" standard of care would be to stay very rigidly within these guidelines. These very generic and limited guidelines.

What else does the system's chief proponent, Mr. Johnson, see as the result should that operational parameter be compromised? What does it mean when the Navy says this dogmatic structure of operational protocol will be observed? What is the "or else" aspect to that? Or else, Navy people will be fired? Or else habitats suffer? Or else we send out a big public apology? What happens if these guys are wrong? Marine life in massive numbers will be lost... is that the consequential "or else?" Coastal communities will suffer ecologic and economic devastation? One can only suppose the range of consequences should an error occur in the Navy's calculations.

Many of the operational parameters will rely on the concept of mitigation. These guys are telling us they can't see a submarine, but they can spot a whale? Oh what what a bunch of poop!

This section of the FEIS was invented as an afterthought in the quest for permit approval. It did not exist in the Draft version and was promulgated as the panacea to all the flaws and risks in the LFA system. (Of which there appear to many.) Vague and general terminology could have been cleaned-up, so at least we'd have a clue as to what sort of ecological mess we'd face if the protocols suggested in this section were compromised. Consequential descriptions would involve honesty, disclosure and fessing up to the truth.

4.4-2

The Navy and NMFS seem to be fond of siting shipping noise on a quantitative level. Siting shipping noise which does not have the long clear tones of LFA and/or lacks the specifically lengthy attenuation rate & the robust characteristics of this uniquely powerful pressure wave is completely unimpressive. To follow multiple numbers of sonar-induced and sonar coincidental strandings to be astonished by the callousness of the people who are charged with the responsibility of protecting those lives and those habitats.

In the recent approval of the permit for the USS Winston S. Churchill Shock Trial tests, the flippant beaurocratic response was to say that there aren't more strandings now. There's simply more public awareness of the strandings. What a twisted logic is applied when this particular shield goes up.

Why might the public be so predisposed as to feel astonished by such slaughter? After decades of NAVY/NMFS

mismanagement of acoustic influences near littoral test sites I am sure you've documented a very high stranding rate. The fact that you blame this on perception of the public instead of your own mismanagement is the greater issue here in my opinion. It's a song and dance routine that may have worked for you in the past. However, if it were so that such strandings remained constant in number, the actual populations would not continually dwindle among the majority of whale species. So you'd better find a new tune to sing on this point.

So maybe the public is changing in its perceptions. We're changing so that you must change. We're making your business our business while we still have a few whales left.

When the Navy sites ship noise, it sites free market choices. Education and new information can make rapid and complete changes in markets that are free of government interference. So the demand for clean transport which avoids acoustic pollution is as near at hand as the corporate invoice sheet or the consumer's wallet. That is a simple exchange of knowledge and values, which marketplaces are driven by. Raising the standard of care for all noise sources is valid. Let's begin by seeing the NMFS deny the Navy's permit application.

Additionally, even the Navy and NMFS may acknowledge that the frequencies affected may be cumulative in the long-term impairments observed in marine life. However, I don't see any adequate address of the influence that this will have on transatmospheric sea life such as nesting coastal birds. And aren't we people who go swimming in the water obliged to be recognized as transatmospheric as well?

Recreational commercial impacts make up what portion of the economy, exactly? And yet, this deployment will keep people out of the water. I wouldn't want anyone I love in the ensonified water.

In areas where an abundance of ship traffic is known to occur, such as Victoria, British Columbia, there have been groups banning together to advocate more noise restrictions not on so much on account of ship noise, but rather, on sonar use! They aren't even in the water but they've felt the impact of sonar over and above ship noise. I still do not see any address of this point from the Navy regarding groups banning together and insisting on less sonar noise.

However, that's exactly what has occurred in Maui where the County has just this last few weeks voted against LFA sonar. Once again, the Navy failed to comment on social & economic impacts from LFA sonar. This stuff scares people. We don't want this damaging noise in the water. NMFS is urged to rule against the Navy's application for SURTASS LFA Sonar.

So while I see advantages in advocating reduced noise in general, the active sonar with high intensity and great attenuation should only be compared with ship traffic when attempting to obfuscate the greater more significant pollution predicted to occur with LFA. This is what I think the Navy has attempted to do. And the public's increased perception level should not be used as an excuse to dismiss the significance of the increased numbers of strandings.

4.4-1

Potential Cumulative Impacts

In this section there is a self contradiction in that LFA Sonar, if deployed, would not be the only sonar used. Other sonars have also been known to induce massive strandings. So LFA sonar would be working in concert with noises which are also causing death to whales. LFA sonar incidents are not "disproven" to be associated with massive strandings in the Ionian Sea. LFA sonar is not disproven to be part of the Canary Island strandings. The majority of deaths from sonar may be attributed to the increasingly rare Cuvier's Beaked Whales.

- 1) The sonar combo plate would kill great numbers of animals and could also lead to changed migration routes
- 2) The Navy notes the critters will do anything to get away from all the ruckus.
- 3) The Navy fails to see itself as the most significant contributor to the ambient background noise. The Navy also fails to acknowledge that LFA Sonar will be a culminating influence in this cacophony of sound & utterly changing the acoustic underwater landscape.

4) Mitigation is relatively new to the Navy. Just how it would work or how the Navy proposes that mitigation might work is critical and on this point, they are at best, vague. In the video tape I presented to NMFS at the hearing in Los Angeles, I questioned the feasibility of mitigation. The biggest reason is that the penetration of long waves into shoreline habitats can not be assumed to be something the Navy can actually control.

5) Because the array moves from place to place, how would the Navy's knowledge of noise levels being received be kept current, especially with regard to remote inland habitats near sloughs and bays? How would the Navy monitor these?

This text makes reference to historic increases in sound and in that historic context, Ross is cited. How can you apply old standards and expect them to fit when the US Navy (with the help of NMFS) is proposing to break all precedents? To site the history of noise increases is an exercise in futile redundancies. The statements made here may simply wax on the nostalgic. What lead to our current acoustic mayhem from 1950 to 1975 is just a continued policy of acoustic mismanagement and it's quite certain that most of that mismanagement came from your agency.

While refamiliarizing all of us with historic noise increases, the Navy avoids a discussion yet again of the technology which NATO uses. I did not see a reference to Time Reversed Acoustic applications.

5-1

Five Mitigation Measures:

There is no proof that any of these five mitigation measures will work. There is nothing to support the very notion that the LFA Mitigation Zone is anything more than an imagined concept on the Navy's concept. Is the Navy suggesting that they have actually tested these mitigation techniques? The Navy would not be able to verify/certify or warranty noise intrusion levels in varying coastal climates and terrains. There is no address of how to control penetration of the noise into shoreline habitats. A dream and a prayer would be more articulate and calculable than is the Navy's description of intended mitigation methods. And what's with their reference to "anomalous acoustic conditions?" Is that the LFA "Oops Factor?" This sounds like a lame excuse and reveals that the Navy is just gonna haul around a whale killing apparatus and make this stuff up as they go along.

p.5.1

Geographic Restrictions


180 dB is way too much to have transmitted near any coastal area regardless of whether or not a military regards it not to be significant. It's wrong. It's morally offensive. Morality is sometimes a factor in the choices people make, You might have heard of it. What the Navy is proposing is acoustic anarchy. But, simultaneously, the Navy asserts that this is not "significant" acoustic anarchy.

It's significant to me! I want to enjoy the shoreline and know that there are a few whales left in the world. And to the people who becoming increasingly aware of the results of acoustic mismanagement after decades of strandings will likely feel it's significant to them as well.

And 145 dB of exposure received levels for people in the water is sickening. Just sickening!

You can not approve this permit!

Respectfully,


Cheryl A. Magill

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Subject: [stoplfas] Article: Researchers Find Everyday Traffic Noise Harms The Health And Well-Being Of Children

Source: Cornell University (<http://www.cornell.edu>)

Date: Posted 5/23/2001

Researchers Find Everyday Traffic Noise Harms The Health And Well-Being Of Children

ITHACA, N.Y. -- Even the low-level but chronic noise of everyday local traffic can cause stress in children and raise blood pressure, heart rates and levels of stress hormones, reports a new study by a Cornell University environmental psychologist and his European co-authors.

"We also found that girls exposed to the traffic noise become less motivated, presumably from the sense of helplessness that can develop from noise they couldn't control," says Gary Evans, an international expert on environmental stress, such as noise, crowding and air pollution.

The study, the first to look at the nonauditory health effects of typical ambient community noise, is published in the Journal of the Acoustical Society of America (Vol. 109, March 2001).

The researchers analyzed data on 115 fourth-graders in Austria with similar family characteristics, such as parent education, parental marital status, housing and family size. Half the children lived in quiet areas -- below 50 decibels (dB), the sound level, for example, of a clothes dryer or a quiet office -- and half lived

in a noisier residential area – above 60 dB, about the intensity of an average dishwasher or raised voices.

"We found that even low-level noise can be a stressor because it elevates psychophysiological factors, triggers more symptoms of anxiety and nervousness when the children are stressed (by taking a test) and can diminish motivation," says Evans.

Specifically, the researchers found that children in noisier neighborhoods experienced marginally higher resting systolic blood pressure, greater heart rate reactivity to a test (which served as a stressor) and higher overnight cortisol levels, which are signs of modestly elevated physiological stress.

"Anything that increases blood pressure, for example, has negative implications for long-term health effects," says Peter Lercher, M.D., and an epidemiologist at the Institute of Hygiene and Social Medicine at the University of Innsbruck, Austria, and a co-author on the study. Elevated blood pressure in childhood is thought to predict higher blood pressure later in life. Boosts in stress hormones also are of concern because they are linked to adult illnesses, some of which are life-threatening, including high blood pressure, elevated lipids and cholesterol, heart disease and a reduction in the body's supply of disease-fighting immune cells.

The study adds evidence to Evans' previous research showing that noise can have serious health, learning and task-motivation effects in children and adults exposed to chronic noise.

"The findings suggest that children living in noisier areas are subject to stress, which may have serious health implications," the researchers conclude. They intend to monitor the Austrian children and the noise levels to which they are exposed and assess any long-term health effects.

Since the children studied live in small villages and towns in an alpine area with higher traffic noise exposure during the night (night exposure was 2 dB higher than during the day), a direct transfer of the results to other residential neighborhoods is difficult, the researchers point out. A typical urban residential neighborhood in the United States has

decibel levels between 55 and 70. Continued exposure to noise above 85 dB causes hearing loss.

Other co-authors of the study are Markus Meis at the Institute for Research into Man-Environment-Relations, University of Oldenburg, Germany; Hartmut Ising at the Federal Environmental Agency, Germany; and Walter W. Kofler at the Institute of Hygiene and Social Medicine, University of Innsbruck.

The study was supported mainly by the Austrian Ministry of Science and Transportation and also, in part, by the Austrian-U.S. Fulbright Commission, the National Institute of Child Health and Human Development, and the College of Human Ecology at Cornell.

Editor's Note: The original news release can be found at

<http://www.news.cornell.edu/releases/May01/roads.noise.kids.ssl.html>

Note: This story has been adapted from a news release issued by Cornell University for journalists and other members of the public. If you wish to quote from any part of this story, please credit Cornell University as the original source. You may also wish to include the following link in any citation:

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